

VZCZCXRO4220
RR RUEHHM
DE RUEHHM #1493/01 3600945
ZNY CCCCC ZZH
R 260945Z DEC 06
FM AMCONSUL HO CHI MINH CITY
TO RUEHC/SECSTATE WASHDC 1924
INFO RUEHHI/AMEMBASSY HANOI 1410
RUEHHM/AMCONSUL HO CHI MINH CITY 2083

C O N F I D E N T I A L SECTION 01 OF 02 HO CHI MINH CITY 001493

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C O R R E C T E D C O P Y (MISSING TEXT)

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E.O. 12958: DECL: 12/25/2016
TAGS: [PINR](#) [PHUM](#) [SOCI](#) [KIRF](#) [PGOV](#) [PREL](#) [VM](#)
SUBJECT: VIETNAM IN-COUNTRY PRIORITY ONE REFERRAL

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¶1. (C) Summary: Mission's Priority One (P-1) Referral Committee has completed consideration of twelve possible P-1 applicants and is referring one individual, Phan Van Ban, to PRM for consideration. The other eleven individuals did not have persecution claims or credible fears that are either sufficiently recent or sufficiently credible to warrant referrals. End Summary.

¶2. (C) Phan Van Ban has already been the subject of informal discussions between the GVN and the USG. Ban is currently serving a life sentence in Ba Sao Prison in Nam Dinh Province, but it appears that the GVN is willing to release him if the USG will admit him to the United States. Ban's Amcit son submitted a P-1 referral in November. Ban was a member of a group called Vietnam Phuc Quoc that distributed handbills protesting how authorities treated individuals. Ban and other members of the group (eighteen in all) were arrested in 1985. Most members of the group were released from prison long ago, and the group's leader, who had also received a life sentence, was released in ¶2005. Ban is the only member of remaining in prison. It appears that he is imprisoned for peacefully expressing a political point of view. Ban has several children in Vietnam and one son in the United States.

¶3. (C) Details about Ban and his wife, who currently lives in Vietnam follow:

Name: Phan, Van Ban; DOB: 03 March 1937; POB: Nghia Binh, Vietnam; Nationality: Vietnamese; Gender: Male; Relationship to Principal Applicant: self

Name: Gan, Thi Huynh; DOB: 07 May 1937; POB: Nghia Binh, Vietnam; Nationality: Vietnamese; Gender: Female; Relationship to Principle Applicant: Wife

¶4. (C) Ban was a police officer in South Vietnam prior to 1975 and was in re-education long enough to qualify for the HO program. While he did have an application under HO, he was imprisoned and unable to appear for an interview. Thus, he could also apply for admission as an HO under the Humanitarian Resettlement process. His American citizen son could also file an I-130 petition for him. Given Ban's now-fragile health and the different processing issues, Mission believes that admission as a P-1 would be most expeditious and desirable since it will probably get Ban to the United States faster than the other two processes.

Cases not to be referred to PRM

15. (C) Boat People SOS (BPSOS) referred six adult children of P-1 beneficiary Nguyen Lap Ma for P-1 consideration. HRS in HCMC has been in contact with all six recently to learn about their current situations. Five of the six (Nguyen Lap Kien, Nguyen Thi Kim My, Nguyen, Lap An, Nguyen, Thi Thanh, and Nguyen Thi Kim Tho) do not have any substantial claim to harsh or discriminatory treatment within the past 36 months, nor have they expressed fear of such treatment. Per their accounts and information provided by their parents at the time of their DHS adjudication interviews, the situation of the six adult children has improved considerably since the 1990s. For instance, all now have national ID cards. The sixth child, Nguyen Lap Khoi, has preached Protestantism recently and been asked by police to stop doing so in one instance. However, that is the extent of his problems. He has stated that he does not fear persecution. It is possible that Khoi's situation - or that of his siblings - could deteriorate and could merit P-1 consideration some day, but at present they do not have affirm claim, in the judgment of the Mission P-1 committee.

16. (C) BPSOS also nominated Trinh Quan Huy, the son of P-1 beneficiaries Tranh Van Man and Quan Bich Nga. Huy is working as a food and beverage manager at a five-star hotel in Ho Chi Minh City. The nomination notes that he has been unable to obtain a national ID card and is therefore unable to open a bank account. Consequently, he must receive his salary in cash. Mission does not find this sufficient to warrant P-1 nomination. (It is Mission's understanding that there are millions of Vietnamese who have not been able to obtain a national ID card.) The lack of a national ID card has not constrained Huy from obtaining above-standard employment, and he does not appear to face any other form of discrimination.

17. (C) BPSOS referred two Mennonite followers who had been imprisoned, Le Thi Lien and Pham Ngoc Thac. ConGen has investigated thoroughly Mennonite claims of torture and abuse. In no case were we able to assess as credible account of their claims of police beatings. Moreover,

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their imprisonments resulted from engaging in willful confrontations with police. Mission does not find their claims of persecution credible.

18. (C) BPSOS referred Tran Van Hoa, a resident of Ha Long City, for P-1 consideration. The nomination paints him as a religious dissident and labor activist. Hanoi POL is familiar with Hoa and his situation. The claim that Hoa is a religious dissident has little or no basis. Hoa has been expelled from his church for adultery. Through independent sources, Embassy has learned that the claim that Hoa was engaging in labor activism is greatly exaggerated at best and an outright fabrication at worst. Mission does not find the claim that Hoa has been persecuted to be credible.

19. (SBU) Nguyen Quac Trung Toan was the subject of an internal nomination by the P-1 committee. Toan claimed that he faced intense persecution for his political activism. He claimed that he was forcibly returned to Vietnam after fleeing to Cambodia. Further investigation indicated that his story was not credible. UNHCR Phnom Penh concluded that Toan's refugee claim did not have merit and refused his case. Toan apparently then obtained a false Cambodian passport with a false "UNHCR visa" in an attempt to migrate to a third country. He was arrested for fighting with a Cambodian and deported. When Toan approached ConGen HCMC again recently he claimed that he had been using the Internet since he was in high school and that he was a cyber-dissident. However, Mission has found no evidence to support his claim and finds it unlikely that he has been using the Internet since 1993 when access in Vietnam was limited to a very small circle of highly-trusted entities. DHS and ICE checked informally with GVN

law enforcement authorities and learned that they had no current interest in Toan, although he had served time for theft. Mission does not find Toan's claims to P-1 status credible.

¶10. (C) Embassy Hanoi is looking into the background of four additional P-1 referrals and ConGen HCMC is considering two more. Results will be reported septel.
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